



HERRICK

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January 23, 2025

VIA ECF

Hon. Jeannette A. Vargas
United States District Court
Southern District of New York
500 Pearl Street, Room 703
New York, New York 10007

Hon. Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl Street, Room 18A
New York, New York 10007

The parties' request to cancel the settlement conference is **GRANTED**, and the settlement conference set for January 29, 2025 (ECF No. 86) is **CANCELLED**.

The Clerk of Court is respectfully directed to close ECF No. 88.

SO ORDERED. January 23, 2025


SARAH L. CAVE
United States Magistrate Judge

Re: *Colony Ins. Co. v. Erzuli, LLC, et al.*, Case No. 23-cv-03874 (JLR)

Dear Judge Vargas and Judge Cave:

We represent Defendant Erzuli, LLC in the above-referenced action, and we write jointly with all counsel. As the Court is aware, the Court has scheduled a settlement conference in this action for January 29, 2025 at 2:30pm. In connection with the parties' continued negotiations and exchanges of settlement demands in advance of the settlement conference, the parties have determined that because the personal injury action underlying this insurance coverage dispute has not advanced sufficiently—for example, it is our understanding that depositions have not yet commenced—it is unlikely that the parties will be able to have fruitful settlement discussions.

The parties do not wish to expend the Court's time and resources unnecessarily, and we therefore respectfully request that the Court cancel the settlement conference.

Because the parties are still interested in negotiating a resolution of this matter without the expense of continued litigation—including the briefing of summary judgment motions—and because the information we have learned during the exploration of settlement suggests a negotiated settlement may be viable once discovery in the underlying personal injury action is further along, the parties have discussed the possibility of stipulating to dismiss this action without prejudice. Two of the three parties have agreed with this action in principle, and counsel for the third party is waiting to hear back from their client. This option will enable the parties to have more informed and productive settlement discussions once the underlying personal action (and any potential exposure) is more sufficiently developed, while also allowing the parties to reserve their rights.

The parties therefore also respectfully request a conference with the Court to discuss the prospect of entering into a so-ordered stipulation dismissing this action without prejudice.



January 23, 2025

Page 2

Thank you for your time and consideration of these requests.

Respectfully submitted,

/s/ Samuel J. Bazian

Samuel J. Bazian

cc: All counsel of record (via ECF)